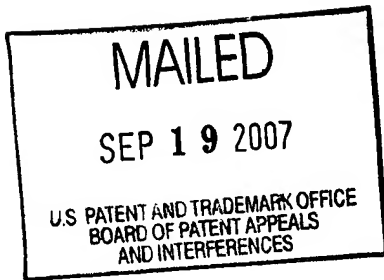


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT TOMASSI

Application No. 10/764,917

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 12, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 6, of the Examiner's Answer was mailed on December 20, 2005, states that "This examiner's answer contains a new ground of rejection set forth in section (9) above....." But in reviewing the Examiner's Answer there was no section.

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If a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee.

Further, any new ground of rejection is required to be prominently identified, eg., a separate heading with all capitalized letters. See MPEP § 1207.02(A)(6)(d).

Also, the Examiner's Answer mailed on December 20, 2005 is missing the following heading (11) Related Proceeding(s) Appendix. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:


1) vacate the Examiner's Answer mailed December 20, 2005, and mail a Supplemental Examiner's Answer with proper headings and if there is a new ground of rejection, it would have to have the approval of the Technology Center Director or designee.

2) add the (11) Related Proceeding(s) Appendix to the Examiner's Answer filed December 20, 2005; and

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3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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